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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/412,362	10/05/99	JENDICK	M PM256642

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PILLSBURY MADISON & SUTRO LLP
INTELLECTUAL PROPERTY GROUP
1100 NEW YORK AVENUE NW
NINTH FLOOR EAST TOWER
WASHINGTON DC 20005-3918

EXAMINER

COAN, J

ART UNIT

PAPER NUMBER

3721

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DATE MAILED:

05/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/412,362

Applicant(s)

Jendick

Examiner

James F. Coan

Group Art Unit

3721



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-43 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 18-20, and 37-43 is/are rejected.

☒ Claim(s) 4-17 and 21-36 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on April 28, 1998. It is noted, however, that applicant has not filed a certified copy of the Swedish application as required by 35 U.S.C. 119(b).
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. Claims 4-17 and 21-36 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
4. This case incorrectly lists Serial No. 08/069,200 as the parent case, whereas the correct serial number is 09/069,200. Applicant should correct any reference to that application accordingly. However, application Serial No. 09/069,200 was abandoned on August 25, 1999, for failure to respond to the Office Action mailed May 25, 1999. This application was filed on October 5, 1999. Therefore, this application was not co-pending with application Serial No. 09/069,200 and can not rely on such case for an earlier filing date.
5. Applicant should update the status of application PCT/SE99/00692.
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1, 3, 18, 20, 42 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkinson(3,898,417).

8. Claims 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazuyoshi et al(Japanese H8-53121).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson in view of Kubacki et al(4,476,781).

Atkinson shows the invention substantially as claimed except that the laser marks are not applied while the material is stationary. Kubacki et al show a similar system in which the marks are applied to the material while it is stationary. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the marks in the apparatus of Atkinson while the material is stationary, as taught by Kubacki et al, because that would provide for more accurate marking of the material.

11. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker(Australian Patent No. 81794/94) in view of Atkinson.

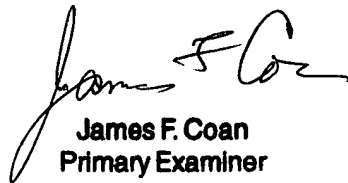
Baker shows the invention substantially as claimed except that the marks are not applied by laser means. Atkinson shows a similar system in which the marks are applied by laser means. It would

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have been obvious to one of ordinary skill in the art at the time of the invention to provide the marks to be made on the tabs shown by Baker using laser means, as taught by Atkinson, because that would provide for more precise marks on the tabs.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Coan whose telephone number is (703) 308-1869.



James F. Coan
Primary Examiner

JFC

May 2, 2000